## IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA DURHAM DIVISION

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§	CASE NO. 10-82128
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§	CHAPTER 13
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## OBJECTION TO ORDER CONFIRMING PLAN

NOW COMES AMERICAN GENERAL FINAICNAL SERVICES ("Creditor"), by and through its undersigned attorneys, and responds to the Trustee's Proposed Order Confirming Chapter 13 Plan as follows:

- 1. That the Debtor filed Chapter 13 bankruptcy on November 19,, 2010 and confirmation is pending.
- 2. That the proposed plan provides for payments to Creditor by the trustee through the Chapter 13 Plan as an unsecured claim due to the priority of the deed of trust and note held by Creditor.
- 3. That Creditor is the original holder of a Promissory Note and Deed of Trust, perfected by recordation at the Person County Registry
- 4. The proposed treatment of the above-referenced claim is improper, as Creditor believes it has a First position Deed of Trust on the real property located at 323 Winchester Road.

5. Creditor asserts that the real estate has sufficient value to secure the remaining balance owed, based upon the recent county tax valuation, and hereby requests a hearing and authority to enter the premises to perform an appraisal.

## WHEREFORE, Creditor requests the following:

- 1. That a hearing be held in this cause;
- 2. That the court adjust the collateral's value
- 3. For any other and further relief this court deems just and proper.

Dated this 28th day of February, 2011.

Respectfully submitted,

/s/ John C. Bircher III John C Bircher, III White & Allen, P.A. PO Drawer U New Bern, NC 28562 (252)638-5792 (252)637-7548

ATTORNEY FOR AMERICAN GENERAL FINANCIAL SERVICES